

1979 WL 42828 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 27, 1979

*1 Mr. Walter M. Bailey, Jr.
Corporation Counsel
Town of Summerville
104 Civic Center
Summerville, S. C. 29483

Dear Mr. Bailey:

You have recently asked the opinion of this office concerning the extent of the Town of Summerville's legal liability for payment of medical and hospital expenses for prisoners admitted to the city jail by the Highway Patrol and the Sheriff's Department.

Sheriffs, their deputies, and patrolmen and officers of the South Carolina Highway Patrol are authorized to make arrests. [Sections 23-15-50, 23-13-70, 23-5-40, Code of Laws of South Carolina \(1976\)](#). The sheriff has custody of the county jail and shall receive and safely keep in prison any person delivered or committed to him. [Section 24-5-10, Code of Laws of South Carolina \(1976\)](#). Convicted persons are in the custody of the Board of Corrections of South Carolina. [Section 24-3-20, Code of Laws of South Carolina \(1976\)](#). Therefore, it appears that the county jail is the general jail for the incarceration of pre-trial detainees and that the county authorities are responsible for the custody and safe keeping of those prisoners.

As depicted in your letter, the town jail custodian has voluntarily permitted the county authorities to place its responsibility for custody of county prisoners with the Town of Summerville. Unless there is an agreement to the contrary, the assumption of that responsibility encompasses the liability to pay for any medical treatment deemed necessary during the period of incarceration. If there is an agreement, an interpretation of that agreement will be necessary. If no agreement exists, it is the opinion of this office that you should meet with the county attorney for Dorchester County and draw up a contract to appropriately set out the obligations of your respective governmental entities.

Therefore, it is the opinion of this office that in the absence of an agreement between Dorchester County and the Town of Summerville, the Town has assumed the responsibility to pay for medical care rendered to county prisoners in its custody unless the county agrees to reimburse the municipality.

Sincerely,

Corinne G. Russell
Staff Attorney

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